

Message Text

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AMEMBASSY LUSAKA

AMEMBASSY PARIS

AMEMBASSY PRETORIA

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E.O. 11652: N/A

TAGS: PINT AO

SUBJECT: ANGOLA'S FUNDAMENTAL LAW PROMULGATED

THE ALVOR AGREEMENT OF JANUARY 15 SIGNED BY THE THREE LIBERATION MOVEMENTS AND THE PORTUGUESE GOVERNMENT CALLS FOR A FUNDAMENTAL LAW TO SERVE AS ANGOLA'S CONSTITUTION UNTIL A NEW CHARTER IS ADOPTED AFTER INDEPENDENCE. THE TRANSITIONAL GOVERNMENT APPROVED THE FUNDAMENTAL LAW ON JUNE 13 BUT IT WAS NOT PUBLISHED IN ITS ENTIRETY UNTIL JULY 5. IN THE FOLLOWING PARAGRAPHS I GIVE EXCERPTS OF SOME OF THE KEY CHAPTERS, THE MOST IMPORTANT OF WHICH AT THIS TIME ARE THOSE THAT PERTAIN TO CITIZENSHIP, THE CONSTITUENT ASSEMBLY AND THE PRESIDENT OF THE REPUBLIC. THE LAW IN ITS ENTIRETY CONSISTS OF 183 ARTICLES.

2.A. PART 1, TITLE I: OF THE STATE AND SOVEREIGNTY. THE GOVERNMENT WILL BE REPUBLICAN IN NATURE. CABINDA IS AN INTEGRAL AND INALIENABLE PART OF ANGOLA. THE THREE LIBERATION

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MOVEMENTS POSSESS LEGAL STATUS IN PUBLIC LAW. THE STATE WILL

FOSTER, DEFEND AND ASSURE: THE ABOLITION OF ALL PRIVILEGES GRANTED BY THE COLONIAL ADMINISTRATION; THE ESTABLISHMENT AFTER INDEPENDENCE OF DIPLOMATIC RELATIONS WITH ALL NATIONS ON A BASIS OF MUTUAL RESPECT, NATIONAL SOVEREIGNTY, TERRITORIAL INTEGRITY, NON-AGGRESSION, NON-INTERFERENCE IN INTERNAL AFFAIRS AND PEACEFUL COEXISTENCE, NON-MEMBERSHIP IN INTERNATIONAL MILITARY ORGANIZATIONS AND THE PROHIBITION OF FOREIGN MILITARY BASES ON NATIONAL TERRITORY. PORTUGUESE WILL BE THE OFFICIAL LANGUAGE, WITHOUT PREJUDICE TO THE USE OF NOF NATIVE LANGUAGES.

B. TITLE II: OF THE ANGOLAN NATION.

ALL PERSONS BORN IN ANGOLA ARE ANGOLAN CITIZENS. ALL THOSE OVER EIGHTEEN YEARS OF AGE OF THE DATE OF PUBLICATION OF THIS LAW WHO WERE NOT BORN IN ANGOLA AND WHO ARE THE CHILDREN OF ANGOLANS MUST OPT FOR ANGOLAN NATIONALITY IF THEY HAVE ACQUIRED A FOREIGN NATIONALITY. THOSE PERSONS BORN IN ANGOLA WHO DO NOT WISH TO BE ANGOLAN CITIZENS MUST SO DECLARE IN WRITING. SUCH DECLARATION MUST BE MADE WITHIN ONE YEAR OF THE DATE OF INDEPENDENCE. ALL MINORS, ONE OF WHOSE PARENTS HAS OR ACQUIRES ANGOLAN NATIONALITY, ARE ANGOLAN CITIZENS. AT THE AGE OF EIGHTEEN THEY MAY OPT FOR ANOTHER NATIONALITY. MINORS BORN IN ANGOLA WHOSE PARENTS LOSE OR RENOUNCE ANGOLAN CITIZENSHIP ALSO LOSE ANGOLAN NATIONALITY, BUT MAY OPT FOR IT AT THE AGE OF EIGHTEEN. ALL PERSONS WHO HAVE RESIDED IN ANGOLA FOR TEN YEARS MAY IMMEDIATELY REQUEST ANGOLAN CITIZENSHIP. ALL PERSONS BORN ABROAD WHO ARE MARRIED TO ANGOLAN CITIZENS MAY OBTAIN CITIZENSHIP IF THEY HAVE LIVED AT LEAST THREE YEARS IN ANGOLA. CITIZENSHIP WILL BE DENIED TO THOSE WHO KILLED ANGOLAN CIVILIANS AND THOSE WHO VOLUNTARILY OPPOSED THE LIBERATION STRUGGLE BY JOINING REPRESSIVE ORGANIZATIONS OF THE COLONIAL REGIME.

C. SECTION TWO OF TITLE II DEALS WITH CIVIL RIGHTS, AND IS EXHAUSTIVE IN ITS GUARANTEES.

3. A. PART II TITLE I: FOLLOWS AND EXPANDS UPON THOSE PORTIONS OF THE ALVOR AGREEMENT THAT DEAL WITH THE DUTIES OF THE HIGH COMMISSIONER AND THE TRANSITIONAL GOVERNMENT.

B. TITLE II: OF THE CONSTITUTIONAL ORGANS.
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THE CONSTITUENT ASSEMBLY SHALL BE ELECTED BY DIRECT, SECRET UNIVERSAL SUFFRAGE. ALL PERSONS EIGHTEEN YEARS OF AGE AND OVER ARE ELIGIBLE TO VOTE. ONLY FNLA, UNITA AND MPLA MAY PRESENT CANDIDATES TO THE CONSTITUENT ASSEMBLY. THE DUTIES OF THE ASSEMBLY ARE: TO ELECT THE PRESIDENT OF ANGOLA BY NOV 8, 1975; PREPARE AND APPROVE BY MARCH 31, 1976 AN ANGOLAN CONSTITUTION; ASSURE COMPLIANCE WITH THE FUNDAMENTAL LAW; RATIFY OR DENOUNCE TREATIES;

AUTHORIZE THE PRESIDENT TO DECLARE WAR OR MAKE PEACE; APPROVE THE BUDGET; EXERCISE THE LEGISLATIVE FUNCTION AND APPROVE GOVERNMENT DECREES; OVERSEE THE ACTIONS OF THE GOVERNMENT; TAKE VOTES OF CONFIDENCE; AND AUTHORIZE THE GOVERNMENT TO CONTRACT FOREIGN LOANS AND OTHER CREDIT OPERATIONS. THE ASSEMBLY WILL DECIDE THE TERM OF OFFICE OF THE PRESIDENT. A TWO-THIRDS VOTE OF THE MEMBERS OF THE ASSEMBLY WILL BE SUFFICIENT TO ELECT A PRESIDENT ON THE FIRST BALLOT. IF NO CANDIDATE WINS A TWO-THIRDS MAJORITY ON THE FIRST BALLOT, A SECOND BALLOT WILL BE TAKEN AMONG THE TWO TOP CONTENDERS AND WHOEVER RECEIVES THE MOST VOTES OF THE MEMBERS PRESENT SHALL BE ELECTED. ONLY PERSONS RECEIVING THE SUPPORT OF FIFTEEN PER CENT OF THE MEMBERS OF THE ASSEMBLY MAY BE CANDIDATES TO THE PRESIDENCY. AMONG HIS OTHER DUTIES, THE PRESIDENT WILL APPOINT MEMBERS OF HIS GOVERNMENT, IN PROPORTION TO EACH MOVEMENT'S REPRESENTATION IN THE ASSEMBLY, WITH THE CONSENT OF THE CONSTITUENT ASSEMBLY. THE PRDEIDENT WILL BE THE SUPREME COMMANDER OF THE ARMED FORCES.

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4. PART III OF THE JUDICIAL POWER.

THE JUDICIAL POWER IS EXERCISED BY A SUPREME COURT OF JUSTICE AND

SUCH OTHER COURTS AS ARE ESTABLISHED IN THE JUDICIAL REFORM LAW.

5. PART IV: OF SOCIAL SOCIAL ECONOMIC AND CULTURAL POLICY:

THE STATE WILL ORIENT AND PLAN THE NATIONAL ECONOMY WITH THE AIM OF SYSTEMATICALLY DEVELOPING ALL MEANS OF PRODUCTION WITHIN A FRAMEWORK OF SOCIAL JUSTICE. IN ORDER TO PROTECT THE INTERESTS OF THE PEOPLE, ESPECIALLY THE MOST EXPLOITED CLASSES, AND RAISE THEIR STANDARD OF LIVING, THE STATE WILL ESTABLISH AN ECONOMIC POLICY DESIGNED TO ELIMINATE EXISTING SOCIAL AND ECONOMIC DIFFERENCES AND TO ACHIEVE THE BEST POSSIBLE USE OF ALL NATIONAL RESOURCES. ARTICLE 121 (B) CHARGES THE STATE WITH CARRYING OUT AN AGRARIAN REFORM TO ELIMINATE ALL INJUSTICES AND ABOLISH PRIVATE MONOPOLY OVER AGRICULTURE PRODUCTION BY APPLICATION OF THE PRINCIPLE THAT THE LAND BELONGS TO HIM WHO WORKS IT AND BY DISTRIBUTING LAND TO PEASANTS WHO HAVE NONE OR NOT ENOUGH.

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6. PART V: OF REGIONAL AND LOCAL ADMINISTRATION.

THE PRINCIPLE OF ADMINISTRATIVE DECENTRALIZATION WILL BE FOSTERED. COLLEGIAL BODIES WILL BE ELECTED. ANGOLA WILL BE DIVIDED INTO PROVINCES, THE PROVINCES INTO COUNCILS AND THE COUNCILS INTO URBAN AND RURAL COMMUNITIES.

7. PART VI: OF FINANCES.

8. PART VII: OF PUBLIC AND PRIVATE DOMAIN OF THE STATE. THE STATE OWNS ALL THAT PROPERTY THAT MADE UP THE PUBLIC DOMAIN OF PORTUGAL IN ANGOLA, WHICH INCLUDE; MINERAL DEPOSITS AND OTHER NATURAL RICHES IN THE SUBSOIL; COASTAL WATERS AND THE SEABED UP TO LIMITS ESTABLISHED BY LAW OR INTERNATIONAL TREATIES TO WHICH ANGOLA ADHERES.

9. PART VIII: DEFENSE AND SECURITY

10. PART IX: COOPERATION BETWEEN ANGOLA AND PORTUGAL.

THERE IS IMMEDIATELY ESTABLISHED THE MIXED COMMISSION TO STUDY THE GRANTING OF ANGOLAN CITIZENSHIP TO PORTUGUESE CITIZENS RESIDING IN ANGOLA AND PORTUGUESE CITIZENSHIP TO ANGOLANS RESIDING IN PORTUGAL.

11. PART X: TRANSITORY PROVISIONS.

THE PRESENT LAW ENTERS INTO EFFECT IMMEDIATELY AND WILL REMAIN IN FORCE UNTIL THE PUBLICATION OF A CONSTITUTION. ALL TREATIES, AGREEMENTS AND ALLIANCES TO WHICH PORTUGAL HAS COMMITTED ANGOLA AND WHICH ARE PREJUDICIAL TO THE INTERESTS OF ANGOLAN

PEOPLE SHALL BE REVIEWED.

12. I WILL POUCH THE PORTUGUESE TEXT.
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